

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

K.K.

Plaintiff,

v.

**NORTH ALLEGHENY
SCHOOL DISTRICT**

Defendant.

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C.A. No. 14-218

JUDGE JOY FLOWERS CONTI

**PLAINTIFF'S RESPONSE TO DEENDANT'S
MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Plaintiff, K.K., by and through her Attorney, Jeffrey J. Ruder, Esq., and files the following Response to Defendant's Motion for Summary Judgment.

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 is admitted.
5. Paragraph 5 is admitted.
6. Paragraph 6 is admitted.
7. Paragraph 7 is admitted.
8. Paragraph 8 is admitted.
9. Paragraph 9 is admitted.
10. Paragraph 10 is admitted.
11. Paragraph 11 is admitted.
12. Paragraph 12 is admitted.

13. Paragraph 13 is admitted.
14. Paragraph 14 is admitted.
15. Paragraph 15 is admitted.
16. Paragraph 16 is admitted.
17. Paragraph 17 is admitted.
18. Paragraph 18 is admitted.
19. Paragraph 19 is admitted.
20. Paragraph 20 is admitted.
21. Paragraph 21 is admitted.
22. Paragraph 22 is admitted.
23. Paragraph 23 is admitted.
24. Paragraph 24 is admitted.
25. Paragraph 25 is admitted. By way of further response, while Title II of the ADA applies to public entities, Section 504 of the Rehabilitation Act applies to recipients of federal funds. 20 U.S.C. § 794.
26. Paragraph 26 is admitted.
27. Paragraph 27 contains a conclusion of law to which no response is required. To the extent that a response is deemed necessary, Plaintiff incorporates by reference herein her Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment and her Concise Statement of Material Facts, demonstrating that she is entitled to summary judgment in her favor as a matter of law under Section 504, Title II of the ADA and Chapter 15 of the Pennsylvania Code.

28. Paragraph 28 contains a conclusion of law to which no response is required. To the extent that a response is deemed necessary, this paragraph is denied.
29. Paragraph 29 contains a conclusion of law to which no response is required. To the extent that a response is deemed necessary, this paragraph is denied.
30. Paragraph 30 is neither admitted nor denied. By way of further response, there is nothing in the record to support this statement. Even if this were true, it is irrelevant to Plaintiff's claims.
31. Paragraph 31 is neither admitted nor denied. By way of further response, there is nothing in the record to support this statement. Even if this were true, it is irrelevant to Plaintiff's claims.
32. Paragraph 32 contains a conclusion of law to which no response is required. To the extent that a response is deemed necessary, this paragraph is denied.
33. Paragraph 33 contains a conclusion of law to which no response is required. To the extent that a response is deemed necessary, this paragraph is denied. By way of further response, K.K. asserts that she was denied transportation services in violation of Section 504, Title II of the ADA and Chapter 15 when the District failed to provide a reasonable modification to its transportation policy, which K.K. needed on account of S.K.'s disability.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Plaintiff prays this Honorable Court deny Defendant's Motion for Summary Judgment.

Respectfully Submitted,

/s/ Jeffrey J. Ruder
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Attorney for Plaintiffs

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